

DUNCAN MILLER

IBLA 73-279

Decided May 14, 1973

Appeal from decision (NM 0556030) by New Mexico State Office, Bureau of Land Management, requiring execution of stipulations for oil and gas lease.

Affirmed.

Oil and Gas Leases: Generally--Oil and Gas Leases: Applications:
Generally--Oil and Gas Leases: Noncompetitive Leases

An applicant for an oil and gas lease must give written acceptance of reasonable special stipulations requested by the Department of Agriculture relating to protection of the land and surface resources as a condition precedent to issuance of a noncompetitive public domain oil and gas lease, and there is no authority for the Government to credit a lessee for his expenses in complying with such stipulations.

APPEARANCES: Duncan Miller, pro se.

OPINION BY MR. FISHMAN

Duncan Miller has appealed from a decision dated January 29, 1973, by which the New Mexico State Office, Bureau of Land Management, required him to accept special stipulations as a condition precedent to issuance of a noncompetitive oil and gas lease under section 17, Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 226 (1970), in response to his lease offer, NM 0556030. The applicant was required to execute stipulations proposed by the Department of Agriculture, relating to the protection of the land and its resources.

On appeal appellant states in part:

The stipulations involved may require additional expense to the lessee. Except for this reason, he has no objection.

Consequently, if the lessee is to have a credit for any money spent, then the stipulations would not have the possibility of becoming a burden on the lessee.

The answer to appellant's contention is that compliance with the stipulations or conditions is an essential ingredient of the lease terms, and there is no legal or regulatory basis for the Government crediting a lessee for the expense thereof or for the Government, in effect, bearing such expense. The burden, including its financial aspects, of complying with environmental stipulations made in connection with oil and gas leases is solely a lessee's responsibility. Duncan Miller, 10 IBLA 133 (1973); see John Oakason, 3 IBLA 148 (1971); cf. Ida Lee Anderson, 6 IBLA 314 (1972).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed. Miller is allowed 30 days from the date of this decision within which to submit to the New Mexico State Office, Bureau of Land Management, executed copies of the required stipulations, failing in which his offer, NM 0556030, will stand as rejected without further notice.

Frederick Fishman, Member

We concur:

Newton Frishberg, Chairman

Anne Poindexter Lewis, Member

